

Response To Notice To File Missing Parts Of Application Filing Date Granted (PTO-1533)(Small Entity)					Docket No. 1759.221	
Inventor Application Of: Voydeville, Gilles						
Application No. 10/580,919	Filing Date 05/20/2006	Examiner Unknown	Customer No. 23405	Group Art Unit Unknown	Confirmation No. 8798	
Invention: POSTERO-LATERAL INTERVERTEBRAL DISC PROSTHESIS						
<u>Mail Stop Missing Parts</u> COMMISSIONER FOR PATENTS:						
This is a response to the Notice to File Missing Parts of Application - Filing Date Granted (PTO-1533) mailed on <u>Feb. 5, 2007</u> <i>Date</i>						
Enclosed herewith for filing are the following:						
<input checked="" type="checkbox"/> A copy of the Notice to File Missing Parts of Application - Filing Date Granted (PTO-1533). (REQUIRED)						
<input type="checkbox"/> An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date.						
<input checked="" type="checkbox"/> A properly signed oath or declaration in compliance with 37 CFR 1.63.						
<input type="checkbox"/> An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date.						
<input checked="" type="checkbox"/> A verified English translation of the non-English language application papers as originally filed. It is requested that this translation be used as the copy for examination purposes in the United States Patent and Trademark Office.						
<input type="checkbox"/> _____ verified small entity declaration(s)						
<input type="checkbox"/> is/are attached.						
<input type="checkbox"/> was/were filed on _____						
<input type="checkbox"/> A separate request for refund.						
<input type="checkbox"/> Other (list):						

**Response To Notice To File Missing Parts Of Application
Filing Date Granted (PTO-1533)(Small Entity)**

Docket No.
1759.221

In Re Application Of:

Voydeville, Gilles

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
10/580,919	05/20/2006	Unknown	23405	Unknown	8798

Invention: **POSTERO-LATERAL INTERVERTEBRAL DISC PROSTHESIS**

TO THE COMMISSIONER FOR PATENTS:

Mail Stop Missing Parts

☒ Completion of application fees as calculated below:

<input type="checkbox"/> Utility application basic fee	_____
<input type="checkbox"/> Design application basic fee	_____
<input type="checkbox"/> Search Fee	\$0.00
<input type="checkbox"/> Examination Fee	\$0.00
<input type="checkbox"/> Total number of independent claims = _____	_____
<input type="checkbox"/> Total number of claims = _____	_____
<input type="checkbox"/> Multiple dependent claims	_____
<input checked="" type="checkbox"/> Surcharge for late payment of filing fee and/or late filing of original declaration or oath	\$65.00
<input type="checkbox"/> Petition and fee for filing by other than all the inventors or a person not the inventor	_____
<input checked="" type="checkbox"/> Fee for processing an application filed with a non-English language specification	\$130.00
<input type="checkbox"/> Fee for processing and retention of application	_____

Total completion of application fees \$195.00

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a response to the above-identified Notice to File Missing Parts of Application. The requested extension is as follows (check time period desired). If an additional time extension is required, please consider this a petition therefor.

☐ One month ☐ Two months ☐ Three months ☐ Four months ☐ Five months

from: _____ until: _____
Date Date

Total time extension fees _____

Total fees due \$195.00

**Response To Notice To File Missing Parts Of Application
Filing Date Granted (PTO-1533) (Small Entity)**

Docket No.
1759.221

In Re Application Of: Voydeville, Gilles

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
10/580,919	05/20/2006	Unknown	23405	Unknown	8798

Invention: POSTERO-LATERAL INTERVERTEBRAL DISC PROSTHESIS

TO THE COMMISSIONER FOR PATENTS:

Mail Stop Missing Parts

The fee of \$195.00 is to be paid as follows:

- ☒ A check in the amount of the fee is enclosed.
- ☐ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No.
- ☐ If an additional extension of time is required, please consider this a petition therefor and charge any additional fees which may be required to Deposit Account No.
- ☐ Payment by credit card. Form PTO-2038 is attached.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.


Signature

Dated: Feb. 27, 2007

Jeff Rothenberg, Reg. No. 26,429
Heslin Rothenberg Farley & Mesiti P.C.
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Fax: 518-452-5579

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on

Feb. 27, 2007



Signature of Person Mailing Correspondence

Jeff Rothenberg

Typed or Printed Name of Person Mailing Correspondence

cc:

✓
1/19/07

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/580,919	Gilles Voydeville	1759.221

INTERNATIONAL APPLICATION NO.	
PCT/FR04/50624	
I.A. FILING DATE	PRIORITY DATE
11/26/2004	11/28/2003

23405
HESLIN ROTHENBERG FARLEY & MESITI PC
5 COLUMBIA CIRCLE
ALBANY, NY 12203

CONFIRMATION NO. 8798

371 FORMALITIES LETTER



OC00000022328990

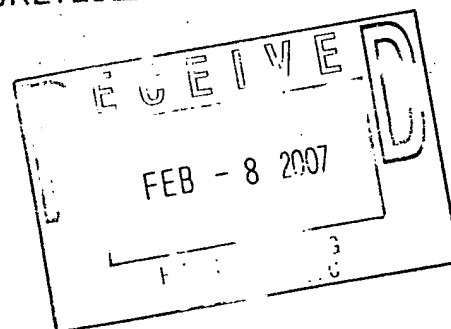
Date Mailed: 02/05/2007

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 05/30/2006
- Copy of the International Search Report filed on 05/30/2006
- Information Disclosure Statements filed on 05/30/2006
- Oath or Declaration filed on 05/30/2006
- U.S. Basic National Fees filed on 05/30/2006
- Priority Documents filed on 05/30/2006

DOCKETED 4/5/07



1) The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Translation of the application into English. Note a processing fee will be required if submitted later than 30 months from the priority date.
- Processing fee of \$130 for providing the translation of the application and/or the Annexes later than 30 months from the priority date (37 CFR 1.492(i)).
- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
 - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$65 for a small entity in compliance with 37 CFR 1.27,

must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$195** for a Small Entity:

- **\$65** Surcharge.
- **\$130** for English translation surcharge required.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.
<https://portal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at **1-866-217-9197** or visit our website at <http://www.uspto.gov/ebc>.

If you are not using EFS-Web to submit your reply, you must include a copy of this notice.

VIRGINIA L IRBY

Telephone: (703) 308-9140 EXT 229

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/580,919	PCT/FR04/50624	1759.221